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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Seiji Miyamoto

2018-804

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12/14/2006

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EXAMINER

BROADHEAD, BRIAN J

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,285

Applicant(s)

MIYAMOTO ET AL.

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 16-23 are objected to because of the following informalities:
2. In claim 16, line 15, is the "made in accordance with a required specification" referring to the application program or PF interface?
3. In claim 16, line 22, is it the program that executes the processing or the computer? Earlier in the claim the computer does the execution at the direction of the program.
4. In claim 16, line 20, is this "required specification" the same as the previously mentioned one? If application program and platform program interfaces are built to the same specification, why is there a need for the coupling program?
5. Appropriate correction is required.

Specification

6. The abstract of the disclosure is objected to because there are references to the claims in the specification, for example on page 9, but some of the claims are no longer part of the application or have been significantly amended and the discussion in the specification no longer corresponds. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 18, 21, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.
10. In claim 18, it appears that the PF interface is being called a structure of data provided through the PF interface.
11. In claim 21, the phrase "is referred by the processing using the application program" doesn't seem to make sense with respect to the data converted.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16 through 23 are rejected under 35 U.S.C. 102(b) as being fully anticipated by Sakai et al., 6343249.
3. Sakai et al. disclose a computer (2); a first memory on line 21, on column 5; a second memory on lines 23-25, on column 5; a platform program for making a computer execute processing for acquiring data and outputting data based on the acquired data and storing the first data in a first section of the second memory on lines 50-59, on column 7, and all of column 4, and lines 50-55, on column 10; an application program

for making the computer execute processing for generating data of an output object on lines 64-67, on column 6; a coupling processing program on lines 44-48, on column 7; the platform program is a program for acquiring an output from processing using the coupling processing program in accordance with a PF interface as an interface standardized so as to be commonly utilized by processing using the application program made in accordance with a required specification of a different control apparatus on lines 41-59, on column 7, and lines 45-55, on column 2; the coupling processing program has a command code for making the computer execute processing to acquire the data provided by the application program and to convert the data provided from the processing using the application program so that the data is adapted to the PF interface in accordance with and AP interface satisfying the required specification of the control apparatus for a vehicle of a developing object, and to mediate converted data in the processing using the platform program and the second data being stored in a second section of the second memory that is under a management of the coupling processing program on lines 15-51, on column 7, on lines 1-5, on column 13; the platform program performing inputting and storing at a first interval and the coupling program performs converting and storing at a second predetermined interval and transferring the data when there is a request on lines 26-47, on column 8; the data accuracy is changed in the conversion process on lines 40-61, on column 7.

Response to Arguments

4. Applicant's arguments filed 9-27-06 have been fully considered but they are not persuasive. The argument that there aren't two separate areas of memory under

separate control by different program parts is not convincing. The conversion program has its own memory area (see lines 1-4, on column 13) and the platform program has its own memory area (see lines 50-58, on column 10). As per the argument with respect to intervals, Sakai et al. discloses that the converted data can be output at any desired interval. The different intervals are functional language that the invention of Sakai is capable of performing.

5. Applicant also mailed in a request for interview form. However, at the end of the remarks in the amendment the applicant requested to be contacted if it would further prosecution. The examiner does not feel that an interview at this time would further prosecution.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BJB


THOMAS BLACK
SUPERVISORY PATENT EXAMINER